



**IN THE UNITED STATES PATENT TRADEMARK OFFICE**

In Re:  
Applicants : Frank Check et al.  
Application Serial No.: 09/837,535  
Filing Date : April 18, 2001  
Title: BIOPTICAL HOLOGRAPHIC LASER SCANNING SYSTEM  
Examiner : Allyson N. Trail  
Group Art Unit : 2876  
Attorney Docket No. : 108-083USA000

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**TERMINAL DISCLAIMER (37 CFR 1.321(b))**

SIR:

Your Petitioner, Metrologic Instruments, Inc. represents that it is the sole owner of the entire interest of the above-identified application.

Your Petitioner hereby provisionally disclaims the terminal period of any patent issuing on the above-referenced application that would extend beyond the expiration of the full statutory term of any patent that issues from U.S. Patent No. 6,758,402. Your Petitioner also hereby agrees that any patent so granted on the above-identified patent shall be enforceable only for and during such period that the legal title to such patent is the same as the legal title to U.S. Patent No. 6,758,402, and that this agreement shall run with any patent so granted on the above-referenced application, and shall be binding upon the grantor, its successors, and assigns.

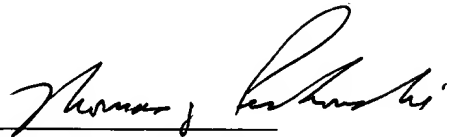
Your Petitioner does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of said U.S. Patent derived from U.S. Patent No. 6,758,402 in the event that such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F. R. Section 1.321(a); has all claims canceled by a reexamination certificate; or is otherwise terminated prior to the expiration of its full statutory term, except for a separation of legal title as stated above.

This Terminal Disclaimer is being signed under the provisions of 37 C.F.R. Section 1.321(b)(1)(iv). Enclosed in payment of the requisite fee of \$130.00 is Thomas J. Perkowski,

Esq., P.C. Check No. 4767. The Commissioner is hereby authorized to charge any other requisite fees or fee deficiencies to Deposit Account 16-1340.

Respectively submitted,

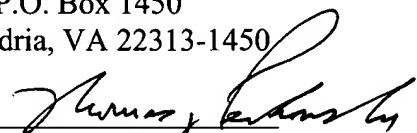
Dated: February 22, 2005

  
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Thomas J. Perkowski  
Reg. No. 33,134  
Date: February 22, 2005